

Article - Criminal Law

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§5-308.

(a) (1) Before the Department takes action under § 5-307 of this subtitle, the Department shall serve on the applicant or registrant an order to show cause why registration should not be denied, revoked, or suspended or its renewal refused.

(2) The order to show cause shall:

(i) contain a statement of the basis of the proposed denial, revocation, suspension, or refusal; and

(ii) order the applicant or registrant to appear before the Department at a time and place stated in the order, but not less than 30 days after the date of receipt of the order.

(3) If the Department proposes to deny a renewal of registration, the order to show cause shall be served at least 30 days before the registration expires.

(b) Proceedings to deny, revoke, or suspend a registration or renewal of a registration shall be conducted in accordance with the Administrative Procedure Act.

(c) (1) The proceedings under this section shall be independent of and not instead of any criminal prosecution or other proceeding under State law.

(2) Except as provided in subsection (d) of this section, an existing registration:

(i) is not abated by proceedings to refuse renewal of registration; and

(ii) shall remain in effect pending the outcome of the proceedings under this section.

(d) (1) The Department may suspend a registration simultaneously with the institution of proceedings under this section if the Department finds that an imminent danger exists to public health or safety.

(2) The suspension shall continue until the earliest of:

(i) the end of all proceedings, including any judicial review;

(ii) withdrawal by the Department of the suspension; or

(iii) dissolution of the suspension by the appropriate circuit court.

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